

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Estate of Clarence Gamble,

Case No.: 2:15-cv-00619-JAD-VCF

Plaintiff

Order Dismissing Unserved Defendants and Closing Case

Francisco Sanchez, et al.,

Defendants

8 Clarence Gamble brought this civil-rights action against the Southern Desert Correctional
9 Center and various prison doctors, nurses, and officials, alleging that they delayed his access to
10 necessary cataract surgery and thus caused permanent blindness in his left eye. Gamble has
11 since passed away and his estate was substituted as the plaintiff in this case. I recently granted
12 summary judgment in favor of defendants Dreesen, Williams, Aranas, and Gutierrez, and
13 ordered Gamble's estate to show cause by August 8, 2022, why the claims against the remaining
14 defendants Sanchez, Tracey, Stacy, and Weiler should not be dismissed for failure to serve, and
15 warned the estate that failure to do so would result in dismissal of all remaining claims.¹
16 Gamble's estate did not respond by the deadline.

17 Federal Rule of Civil Procedure (FRCP) 4(m) requires service of the summons and
18 complaint to be completed within 90 days of the complaint's filing, and “[i]f a defendant is not
19 served within 90 days after the complaint is filed, the court—on motion or on its own after notice
20 to the plaintiff—must dismiss the action without prejudice against that defendant or order that
21 service be made within a specified time.”² This case has been pending for more than six years

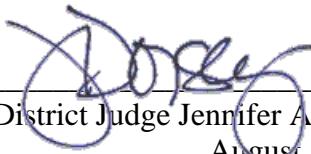
23 | ¹ ECF No. 121 at 12.

2 Fed. R. Civ. Proc. 4(m).

1 and the remaining defendants haven't been served. The estate was warned that failure to do so
2 would result in the dismissal of the remaining claims, and it has yet failed to show cause why the
3 case should not be dismissed. So I dismiss the claims against the remaining defendants under
4 FRCP 4(m).

5 **Conclusion**

6 **IT IS THEREFORE ORDERED** that the claims against defendants Sanchez, Tracey,
7 Stacy, and Weiler are **DISMISSED without prejudice** under FRCP 4(m). Because no claims or
8 defendants remain, the Clerk of Court is directed to **ENTER JUDGMENT accordingly** and
9 **CLOSE THIS CASE.**

10
11 
12 U.S. District Judge Jennifer A. Dorsey
August 12, 2022
13
14
15
16
17
18
19
20
21
22
23